

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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ROBERTO MATA, :  
Plaintiff, : Civil Action No. 22-cv-1461 (PKC)  
v. :  
AVIANCA, INC., : **NOTICE OF MOTION TO DISMISS**  
Defendant. :  
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Declaration of Bartholomew Banino, with accompanying exhibits, submitted by Defendant AVIANCA, INC. (hereinafter “Avianca”), by and through its attorneys, Condon & Forsyth LLP, hereby move this Court for an Order dismissing the Complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: January 13, 2023

Respectfully submitted,

CONDON & FORSYTH LLP

By: /s/ Bartholomew J. Banino

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